

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of

Unlicensed Operation in the TV
Broadcast Bands

ET Docket No. 04-186

Additional Spectrum for
Unlicensed Devices Below
900 MHz and in the 3 GHz
Band

ET Docket No. 02-380

**REPLY COMMENTS
OF THE
700 MHz ADVANCEMENT COALITION**

The 700 MHz Advancement Coalition ("Coalition") hereby submits these Reply Comments in response to the Federal Communications Commission Notice of Proposed Rulemaking in the above-captioned proceeding.¹

The Coalition is an alliance of most of the licensees and others interested in the deployment of services in the 700 MHz Band. It was created to promote public policies that will facilitate the rapid and effective delivery of new advanced wireless services in that Band.

In the *NPRM* the Commission proposed to allow unlicensed radio transmitters to operate in the broadcast television spectrum at locations where the spectrum is not being used. The

¹ FCC 04-133, released May 25, 2004 ("*NPRM*")

Commission believed that the advantages of such a proposal included: the development of new and innovative types of unlicensed broadband devices and services, synergy with traditional broadcasting, thereby offering broadcasters the opportunity to provide new services; and increased service range for wireless internet service providers (WISPs).

Nevertheless, the Commission recognized the constraints on its suggestion and specifically excluded certain channels from its proposal. Most importantly for members of the Coalition, the Commission specifically noted that channels 52-69 are not suitable or appropriate for unlicensed use because of potential sharing difficulties with new, non-television, licensees in this spectrum.

The Coalition strongly supports this exclusion, as did QUALCOMM Incorporated and PVT NetWorks, Inc., the individual Coalition members filing Comments. A very few of the Commenters asked the Commission to reconsider this approach. For example, the New America Foundation (“NAF”) argued that it would be a mistake to prohibit use of channel 52-69 because it “will deprive American of valuable spectrum services that could become available almost immediately”.² Delay, they argued, does not serve the public interest.

NAF is apparently unaware of the valuable *licensed* spectrum services that are intended for the Lower 700 MHz Band and that could themselves be delayed by the deployment of unlicensed transmitters in the 700 MHz spectrum. A more realistic approach is offered by Microsoft Corporation, which urges the Commission to expand the channels permissible for unlicensed operation, but recognizes that the reallocation of channels 52-69 from television broadcasting to other services makes these channels inappropriate for unlicensed use.³

² New America Foundation Comments, p.11.

³ Microsoft Comments, p.19.

Coalition members are eager to have the band cleared of broadcast operations so as to launch their own new and innovative services. The Commission was right to recognize that this spectrum must be treated differently than other spectrum because it will soon be home to these new services.

Another item of interest to 700 MHz licensees is the timing of the Commission's proposal. The Coalition believes it essential that the transition to Digital Television take place as quickly as possible. Once the television broadcast licensees have moved into the "core" spectrum, 700 MHz licensees will be able to deploy their new services in all markets. We believe that further delay in achieving the DTV transition is contrary to the public interest. We are deeply concerned that adding unlicensed operations to the already extremely complicated "repacking" process will cause such a delay in the DTV transition.

We are certainly not alone in this concern. Most of the Commenters with an interest in the DTV transition have argued that unlicensed operation should not begin until the transition is over.⁴ For example, Cox Broadcasting believes that, "with the channel election process underway and an end to the DTV transition in sight", waiting until the end of the transition to authorize unlicensed devices in the broadcast spectrum would best serve the public interest.⁵

At the heart of this concern is not only a desire to hasten the transition to DTV, but also deep uncertainty about the technology necessary to ensure that unlicensed devices do not interfere with licensed operations. This uncertainty pervades the Comments received by the Commission. The Society of Broadcast Engineers found flaws in the *NPRM* technical analysis

⁴ See, e.g. Red River Broadcasting Company, Entravision Holdings, Association for Maximum Service Television, Inc./National Association of Broadcasters, Harris Corporation, Pappas Telecasting, Cox Broadcasting.

⁵ Cox Broadcasting Comments, pps 1-2.

and concluded that the Commission should not adopt the proposal.⁶ The Association of Public Television Stations points out that there have been few, if any, “real-world” tests of the technology of the unlicensed devices and their compatibility with incumbent broadcast licensees.⁷

The Community Broadcasters Association and the National Translator Association are concerned with the availability of over-the-air television and possible interference to reception. Both these organizations call for the use of the Longley Rice analysis, a more sophisticated estimate of likely interference than the “crude” Grade A/B contour overlap approach.⁸ An engineering statement attached to the NTA Comments point to a number of technological concerns with this “hazardous” venture.⁹ Finally, the Consumer Electronics Association, which typically argues for minimal rules for unlicensed devices, believes that the proposed rules need to be refined to prevent “unintentional yet widespread interference.”¹⁰ The Coalition shares these concerns and urges extreme caution in allowing use of unlicensed transmitters in the broadcast television spectrum.

⁶ SBE Comments, p.1.

⁷ APTS Comments, p.3.

⁸ CBA Comments, p.5, NTA Comments, p.3.

⁹ NTA Comments, Attachment, p.2.

¹⁰ CEA Comments, p.2.

In conclusion, the Coalition urges the Commission to continue to exclude Channels 52-69 from this proposal, to delay any implementation until after the DTV transition, and to use caution in allowing unlicensed transmissions in licensed spectrums.

Respectfully submitted,

The 700 MHz Advancement Coalition

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